

HOUSE BILL 442

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Al Park

AN ACT

RELATING TO PUBLIC SCHOOLS; INCREASING THE INSTRUCTIONAL YEAR;
CLARIFYING SCHOOL YEAR AND SCHOOL DAY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
Chapter 33, Section 2, as amended) is amended to read:

"22-2-8.1. SCHOOL YEAR--LENGTH OF SCHOOL DAY--MINIMUM.--

A. A school year consists of at least two hundred
ten full instructional days for a regular school year calendar,
exclusive of any release time for in-service training. A
school year consists of at least one hundred sixty-eight
instructional days for a variable school year calendar,
exclusive of any release time for in-service training. Except
as provided in Subsection B of this section, days or parts of
days that are lost to weather, in-service training or other

.175343.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 events that are not school-directed programs shall be made up
2 so that students are given a full instructional school year.

3 ~~[A.]~~ B. Except as otherwise provided in this
4 section, regular students shall be in school-directed programs,
5 exclusive of lunch, for a minimum of the following:

6 (1) kindergarten, for half-day programs, two
7 and one-half hours per day [~~or four hundred fifty hours per~~
8 ~~year~~] or, for full-day programs, five and one-half hours per
9 day [~~or nine hundred ninety hours per year~~];

10 (2) grades one through six, five and one-half
11 hours per day [~~or nine hundred ninety hours per year~~]; and

12 (3) grades seven through twelve, six hours per
13 day. [~~or one thousand eighty hours per year~~

14 ~~B.]~~ C. Thirty-three hours of the full-day
15 kindergarten program may be used for home visits by the teacher
16 or for parent-teacher conferences. Twenty-two hours of grades
17 one through five programs may be used for home visits by the
18 teacher or for parent-teacher conferences.

19 ~~[C.]~~ D. Nothing in this section precludes a local
20 school board from setting a school year or the length of school
21 days in excess of the minimum requirements established by
22 ~~[Subsection]~~ Subsections A and B of this section.

23 ~~[D.]~~ E. The [~~state superintendent~~] secretary may
24 waive the minimum length of school days in those districts
25 where such minimums would create undue hardships as defined by

.175343.1

underscored material = new
[bracketed material] = delete

1 the ~~[state board]~~ department as long as the school year is
2 adjusted to ensure that students in those school districts
3 receive the same total instructional time as other students in
4 the state."

5 Section 2. Section 22-8-9 NMSA 1978 (being Laws 1967,
6 Chapter 16, Section 63, as amended) is amended to read:

7 "22-8-9. BUDGETS--MINIMUM REQUIREMENTS.--

8 A. A budget for a school district shall not be
9 approved by the department that does not provide for:

10 (1) a school year ~~[consisting of at least one~~
11 ~~hundred eighty full instructional days or the equivalent~~
12 ~~thereof, exclusive of any release time for in-service training;~~
13 ~~or~~

14 ~~(2) a variable school year consisting of a~~
15 ~~minimum number of instructional hours established by the state~~
16 ~~board]~~ and school day as provided in Section 22-2-8.1 NMSA
17 1978; and

18 ~~[(3)]~~ (2) a pupil-teacher ratio or class or
19 teaching load as provided in Section 22-10A-20 NMSA 1978.

20 B. The ~~[state board]~~ department shall, by rule,
21 establish the requirements for an instructional day, the
22 standards for an instructional hour and the standards for a
23 full-time teacher and for the equivalent thereof."

24 Section 3. APPLICABILITY.--The provisions of this act
25 apply to the 2009-2010 and subsequent school years.

.175343.1